

MATTER OF OCAMPO-OCAMPO

In Deportation Proceedings

A-19720615

Decided by Board June 25, 1971

Since there is no invariable rule as to the period of voluntary departure time, the special inquiry officer has authority to fix voluntary departure time for a period of less than 30 days where the circumstances of the case so warrant. In assessing the factors pertinent to a judgment as to what constitutes a proper time limit, the special inquiry officer must take into account not only the needs of effective law enforcement, but also the individual circumstances of the alien involved.

CHARGE:

Order: Act of 1952—Section 241(a) (2) [8 U.S.C. 1251(a) (2)]—Entered without inspection.

ON BEHALF OF RESPONDENT: Samuel D. Myers, Esquire
134 N. La Salle Street, Suite 1616
Chicago, Illinois 60602
(Brief filed)

Respondent appeals from an order of a special inquiry officer dated April 1, 1971 finding him deportable on the above-captioned charge and granting him until April 7, 1971 to depart voluntarily from the United States. The appeal will be dismissed.

The facts are not in dispute. Respondent is an unmarried 24-year-old male alien, a native and citizen of Mexico, who entered the United States without inspection on or about February 1, 1971. At a deportation hearing before the special inquiry officer on April 1, 1971, at which he was represented by present counsel, he admitted the truth of the factual allegations of the order to show cause and conceded deportability. Our review of the record satisfies us that deportability has been established by evidence which is clear, convincing and unequivocal.

The only point urged on appeal is that the time allowed for voluntary departure is too short. Since less than thirty days was